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SEALED

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

AMERITOX, LTD. and MARSHFIELD CLINIC,

Plaintiffs,

v.

MILLENNIUM HEALTH, LLC,

Defendant.

Case No. 14CV2928 WQH WVG

[FILED UNDER SEAL]

NON-PARTY RENEE T. BRYAN'S MOTION TO QUASH SUBPOENA

Pending in the
United States District Court
Western District of Wisconsin
Case No. 3:13-cv-00832-WMC

1 DRAFT

Non-party Renee T. Bryan hereby moves this Court, pursuant to Rule 45(d)(3) of the Federal Rules of Civil Procedure, to quash Ameritox, Ltd.'s ("Ameritox") subpoena for her deposition ("Subpoena") in a patent infringement suit, which issued from the United States District Court for the Western District of Wisconsin.[1]

In support of her motion, Ms. Bryan represents that, weighing Ameritox's claimed need for her *third day* of deposition testimony against the enormous burden upon her, the court should exercise its discretion to quash the subpoena as untimely, cumulative, duplicative, and unduly burdensome. Fed. R. Civ. P. 26(b)(2)(C), 45(d)(3).

In further support hereof, Ms. Bryan respectfully refers the Court to the accompanying Memorandum in Support of Motion to Quash Deposition Subpoena, the Declaration of Renee T. Bryan, and the Declaration of Peter E. Gelhaar with exhibits attached thereto, all filed concurrently with this Motion.

Dated: December 11, 2014

Respectfully submitted,

By: _____

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[1] A copy of the Subpoena is attached to the Declaration of Peter E. Gelhaar ("Gelhaar Decl.") as Exhibit A.

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

AMERITOX, LTD. and MARSHFIELD CLINIC, Plaintiffs, v. MILLENNIUM HEALTH, LLC, Defendant.	Case No. _____ **[FILED UNDER SEAL]** **NON-PARTY RENEE T. BRYAN'S MEMORANDUM IN SUPPORT OF HER MOTION TO QUASH DEPOSITION SUBPOENA** Pending in the United States District Court Western District of Wisconsin Case No. 3:13-cv-00832-WMC

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INTRODUCTION

Non-party Renee T. Bryan hereby files this memorandum in support of her Motion, pursuant to Rule 45(d)(3) of the Federal Rules of Civil Procedure, to quash Ameritox, Ltd.'s ("Ameritox") subpoena for her deposition ("Subpoena"), which issued from the United States District Court for the Western District of Wisconsin.[1]

The underlying civil action is a patent infringement action between two fierce competitors – Ameritox and Millennium – that have previously sued each other at least eight times in various venues. Ms. Bryan was formerly employed at Millennium, but left its employ in 2011. Ms. Bryan now finds herself in the middle of a shooting match in which she has absolutely no interest, financial or otherwise, in the outcome. Instead, she is just another deponent in yet another action between two unrelenting business rivals. Simply put, if ever there were a situation that cries out for Rule 45 relief from an unduly burdensome deposition subpoena, this is it:

- Ameritox has already deposed Ms. Bryan for *two days* in 2011 – once while she was employed by Millennium in May 2011, and once after she separated from Millennium in November 2011.
- The second day of Ms. Bryan's testimony occurred almost six months *after* Ameritox commenced the instant patent infringement action.
- During the second day of Ms. Bryan's deposition testimony, she provided over ***fifty pages*** of testimony to Ameritox concerning precisely the same issues on which Ameritox now seeks to depose her again for a *third* day.
- In the instant patent infringement action, Ameritox has already deposed two other current Millennium employees – both of whom are

[1] A true and correct copy of the Subpoena is attached to the Declaration of Peter E. Gelhaar ("Gelhaar Decl.") as Exhibit A.

Ph.Ds. – for a total of *three days* concerning the *same* subject matter on which Ameritox now seeks to depose Ms. Bryan, who is a former employee. Both of these individuals also have previously been deposed by Ameritox in a related matter and their deposition transcripts were filed on the docket in the instant case.

- Ameritox seeks to depose Ms. Bryan long after the case facts have crystalized, as evidenced by the fact that Ameritox has already opposed Millennium's motion for summary judgment and did not depose Ms. Bryan prior to the filing of its opposition to Millennium's dispositive motion.
- Ms. Bryan is a single head-of-household who, after nine months of unemployment, recently started a new job as a marketing director in a three-person math tutoring start-up.
- Finally, Ms. Bryan is presently devoting a substantial amount of her time and energy to: (1) supporting her mother and caring for her mother's financial affairs after the recent death of Ms. Bryan's father; and (2) being "on-call" for her brother who is engaging in chemotherapy for recently-diagnosed gastric cancer.

Rule 45 makes clear that a District Court: (1) may limit discovery that is unreasonably cumulative, duplicative, or amply available from other deponents (like here); and (2) must be especially mindful of the burdens of discovery imposed on non-parties (like here). For all of the reasons set forth below, Ms. Bryan respectfully requests that the Court quash her deposition subpoena.

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FACTUAL AND PROCEDURAL BACKGROUND

I. MILLENNIUM, AMERITOX, THE INSTANT PATENT INFRINGEMENT ACTION, AND THE RELATED CASE

Ameritox and Millennium are fierce and unrelenting competitors in the urine drug testing industry. The parties have been engaged in an ongoing battle in the courts for almost five years, pulling seemingly everyone in their orbit into the process.[2] The instant patent infringement action that is the subject of this motion is currently pending in the United States District Court for the Western District of Wisconsin. The following facts have been taken from documents filed in that case.[3]

As part of Millennium's drug testing services, Millennium has provided its testing results to customers in a report called the Rapid Assessment of Drug Adherence Report (the "RADAR Report"). *See* Dkt. No. 149 ("Declaration of Diane Hancock ("Hancock Decl.")) ¶ 6 (Gelhaar Decl., Ex. D); Dkt. No. 142 ("Sample RADAR Report") (Gelhaar Decl., Ex. E). The RADAR Report provides information about the medications or drugs (or their metabolites) found in a particular patient's urine as well as the amount of such medication, drug, or metabolite. Id. Thus, the report can show when a medication or drug that has not been prescribed to the patient is nonetheless found in the patient's urine and/or

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[2] *See, e.g.*, *Millennium v. Ameritox*, 1:10cv03327 (D. Md. filed Nov. 24, 2010); *Ameritox v. Millennium*, 8:11cv00775 (M.D. Fla. filed Apr. 8, 2011); *Ameritox v. Millennium*, 3:11:cv00866 (S.D. Cal. filed Apr. 22, 2011); *Ameritox v. Millennium*, 8:12cv00219 (M.D. Fla. filed Feb. 1, 2012); *Millennium v. Ameritox*, 3:12-cv-01002 (S.D. Cal. filed Apr. 23, 2012); *Millennium v. Ameritox*, 3:12-cv-01063 (S.D. Cal. filed Apr. 30, 2012); *Ameritox v. Millennium*, 1:12cv1753 (D. Md. filed Jun. 14, 2012); *Millennium v. Ameritox*, 1:13-cv-11727 (D. Mass. filed Jul. 17, 2013).

[3] A true and correct copy of the Docket Entries (hereafter "Dkt.") of *Ameritox v. Millennium*, 3:13-cv-00832-WMC is attached to the Gelhaar Declaration as Exhibit B. A true and correct copy of the Amended Complaint in this action is also attached to the Gelhaar Declaration as Exhibit C.

whether illicit drugs are found in the urine. *See* Dkt. No. 189 ("Proposed Findings No. 31 in Support of Millennium's Motion for Summary Judgment").

The instant patent infringement action arose out of a prior lawsuit previously brought by Millennium against Ameritox in 2010, in which Ameritox ultimately was found to have falsely advertised its services. *See* Dkt. Nos. 129-6, 129-10, and 129-11 (Verdict and Court Orders from *Millennium Laboratories, Inc. v. Ameritox, Ltd.*, Civil Action No. 1:10-cv-3327 (D. Md.))(the "Related Case"). It appears from the docket of the Related Case that Ameritox initially sought to bring its patent infringement claims now at issue in the instant case as counterclaims in the Related Case. When that attempt was rejected, however, Ameritox decided to separately initiate the instant patent infringement action. The instant action was commenced on June 23, 2011. *See* Dkt. No. 43 in Related Case ("Correspondence re: notification of filing") (attached to the Gelhaar Declaration as Exhibit F.[4]

According to the Amended Complaint, Ameritox filed the instant patent infringement action against Millennium on two related patents-in-suit, U.S. Patent No. 7,585,680 ("the '680 patent") and U.S. Patent No. 7,785,895 ("the '895 patent"). Both patents-in-suit claim methods for monitoring drug usage based on the drug or drug metabolites (*viz.*, the by-products of ingested drugs that have been metabolized by the body) found in a patient's biological sample. Generally, the asserted claims of the patents-in-suit disclose a series of six steps that culminate in a final comparison step between the drug collected from a patient's urine sample to "known normative data" collected from a patient population. At its core, Ameritox accuses Millennium of infringing just one part of Millennium's RADAR Report, which is a graphical section that reflects "Comparative Results" and "Historical

[4] The instant case was transferred from the District of Maryland to the Western District of Wisconsin in November 2013, apparently so that the latter Court could exercise personal jurisdiction over co-plaintiff Marshfield Clinic and add it as a party to this case. *See* Dkt. No. 85 ("Memorandum and Order").

Results" (together, the "Graphed Results"). Importantly, Millennium did not even begin to offer the Graphed Results on its RADAR Report until June 2011, which was a month before Ms. Bryan left Millennium. *See* Declaration of Renee T. Bryan ("Bryan Decl.") at ¶ 8; Gelhaar Decl., Ex. D (Hancock Decl.) at ¶ 8.

II. MS. BRYAN'S PERSONAL AND PROFESSIONAL BACKGROUND

Ms. Bryan has been a resident of San Diego for the last six years and has worked in the field of marketing for the last twenty years. Bryan Decl. at ¶ 2. Unlike the two current Millennium employees who have already been deposed in the instant case concerning the Graphed Results displayed on Millennium's RADAR Report (*see infra*), Ms. Bryan is neither a scientist nor a Ph.D. *Id.* at ¶ 3. From March 2009 to July 2011, Ms. Bryan was employed by Millennium as its marketing Vice President. *Id.* During that time, her principal responsibilities were focused on Millennium's marketing and public relations efforts. *Id.* Since Ms. Bryan separated from Millennium on July 20, 2011, she has had no role at Millennium. *Id.* at ¶ 4. Moreover, she owns no stock or any other financial interest in Millennium whatsoever. *Id.*[5]

Since she gave the second of her two prior depositions over three years ago, Ms. Bryan's life has changed significantly. A few months ago, Ms. Bryan's father passed away, which left her 79 year-old mother widowed, living alone in Florida. *Id.* at ¶ 9. Because her father took care of all of the finances for her mother, Ms. Bryan has been in constant contact with estate lawyers, accountants and financial advisors to manage her mother's financial affairs. *Id.* She has traveled extensively to Florida to assist with this process, and speaks with her mother frequently every week. *Id.* To better attend to her mother, Ms. Bryan is currently searching for an apartment for her in the San Diego area. *Id.* at ¶ 10.

[5] Ms. Bryan *does* expect that Millennium will pay her reasonable legal fees in connection with this motion and, indeed, believes she is entitled to have her fees paid for under applicable law.

Making Ms. Bryan's personal burdens even heavier is the fact that her brother, who resides in Oregon, has been diagnosed with gastric cancer and is in chemotherapy fighting for his life. *Id.* at ¶ 11. Because she is the closest family member to her brother, she is constantly "on-call" should the need arise to travel to see him. *Id.*

Finally, while navigating these significant personal challenges, Ms. Bryan, who supports herself, has also very recently secured a position as Chief Marketing Officer for Boost Academy, Inc. ("Boost") after several months of unemployment. Boost, a San Diego-based three-person start-up that provides math tutoring to kids through a proprietary app, is expanding rapidly and requires Ms. Bryan's dedicated attention – *i.e.*, 13-hour work days – to help the company (and her employment) survive and stay ahead of a dynamic market-shifting environment. *Id. at* ¶ 13. Simply stated, after a lengthy period of unemployment, Ms. Bryan cannot afford to jeopardize her single source of income preparing for and engaging in a third day of deposition. *Id.* at ¶ 14.

III. MS. BRYAN'S PRIOR DEPOSITION TESTIMONY

Prior to Millennium's introduction of the Graphed Results in its RADAR Report in June 2011, Ms. Bryan sat for a day-long deposition by Ameritox on May 26, 2011 in the Related Case. Ameritox's counsel for Ms. Bryan's May 2011 deposition appears to be the same counsel as Ameritox's counsel for the instant patent infringement case. Thereafter, on July 20, 2011, a month after Millennium began offering the Graphed Results on its RADAR Report and less than a month after Ameritox filed the instant patent infringement action, Ms. Bryan's employment with Millennium ended. *See* Bryan Decl. at ¶ 8.

Nearly six months later and clearly *after* the instant patent infringement case was filed on June 23, 2011, Ameritox deposed Ms. Bryan for a *second* day on November 9, 2011. *See* Dkt. No. 181 ("November 2011 Deposition of Renee Bryan") (attached to the Gelhaar Declaration as Exhibit G).

Importantly, counsel for Ameritox spent a significant portion of Ms. Bryan's November 2011 Deposition discussing the RADAR Report. Indeed, counsel for Ameritox elicited testimony from Ms. Bryan amounting to more than *50 pages* regarding the design and development of, and the training related to, the RADAR Report, *after* the instant patent infringement case concerning the RADAR Report had been filed. *See, e.g.*, Gelhaar Decl., Exhibit G (Bryan Dep. 234-284, 287-291). This testimony is expressly available for use in the instant case by virtue of a Stipulation among the parties. *See* note 6 *infra*. What follows is only a partial list of questions that counsel for Ameritox asked Ms. Bryan concerning her knowledge of the Graphed Results of the RADAR Report:

- Can you explain, what is a RADAR report? 234:7;
- How long has Millennium used the RADAR report? 234:13;
- Has the RADAR Report been the same the entire time you have worked at Millennium? 234:18-19;
- How has the report changed? 234:21;
- [W]hy did Millennium change the RADAR report? What's your understanding? 252:7-8;
- Do you know approximately how many times the RADAR report changed during your time at Millennium? 234:25-235:1;
- Do you know approximately when Millennium began using the RADAR report? 237:4-5;
- How was Millennium communicating . . . test results to doctors prior to this new RADAR report? 238:3-5;
- Was Millennium's marketing message, until October 2010, that the RADAR report is a summary snapshot . . . of a patient's adherence to their prescribed medication plan?; 243:20-23;
- [W]hy are you sending these [RADAR deposition exhibit references] to Millennium sales reps? 249:7-8;

- Did you participate in meetings to help develop the June 2011 sample RADAR report? 259:5-6;
- About when did this group you just described start meeting to discuss the development of the June 2011 sample RADAR report? 260:4-6;
- Where did the idea come from to create and develop the June 2011 sample RADAR report? 261:7-9;
- Why did Millennium choose to include the bell curve in the 'Comparative Results' section of the June 2011 sample RADAR report? 252:13-15;
- When did you receive a mockup of the new June 2011 sample RADAR report? 258:6-7;
- Isn't it true that Millennium wanted a report that looked more like the Ameritox report with the bell curve? 254:6-8;
- [W]as this new feature on the RADAR report, the comparative results and the historical results, a significant improvement? 256:13-15;
- Whose idea was it for Millennium to add the comparative results and historical results to the June 2011 sample RADAR report? 262: 4-6;
- Is it your testimony that the graphed results, the new features added to the June 2011 sample RADAR report, are not part of the RADAR report? 282:18-20;
- How did Millennium educate the sales force on the new features contained in the RADAR report? 264: 5-6;
- Do you know whether Millennium sales representatives have participated in conference calls to receive training on Millennium's June 2011 sample RADAR report? 266:10-13;
- [W]hat's your understanding of the training that Millennium's sales representatives received with regard to the June 2011 sample RADAR report? 269: 7-9;

- Do Millennium's sales representatives use the June 2011 sample RADAR report to advertise Millennium's services to prospective customers? 271: 17-19;
- As the head of marketing at Millennium, did you intend that the June 2011 sample RADAR report compete directly with . . . Ameritox's new report based upon the Marshfield technology? 253:24-254:2 (emphasis added);
- Isn't it true, Ms. Bryan, that the Millennium sales force used the June 2011 sample RADAR report to try to win Ameritox accounts? 275:6-8;
- [W]as the June 2011 sample RADAR report one of the tools that sales reps would use when trying to win accounts away from Ameritox? 284:8-10.

Counsel for Ameritox also spent time questioning Ms. Bryan regarding multiple documents and communications related to the design and development of, and the training related to, the RADAR Report. *See id.*

IV. THE PROPOSED DECEMBER 2014 DEPOSITION OF MS. BRYAN

Now, over three years after the November 2011 Deposition was taken, Ms. Bryan has been served with yet *another* Ameritox deposition subpoena (returnable on December 16, 2014), wherein the same Ameritox counsel who deposed Ms. Bryan in November 2011 now seek to re-depose her on the same RADAR Report topics. In recent correspondence among counsel, Ameritox's counsel has asserted that his reason for wanting to depose non-party Ms. Bryan for a *third* day is that Millennium has provided certain "new" "documents and communications" in the instant patent infringement action concerning Ms. Bryan's involvement in the creation of the Graphed Results. Gelhaar Decl. at ¶¶ 3-4. Ameritox's counsel at first refused to provide *even one document* to the undersigned counsel in support of his assertion that the allegedly "new" documents were the driving force behind his

need to subject Ms. Bryan to a third day of deposition. *Id.* at ¶ 3. When undersigned counsel insisted that access to the "new" documents and communications was necessary to assess Ameritox's request for Ms. Bryan's deposition, Ameritox's counsel dumped nearly 4,000 documents and emails on undersigned counsel, consisting of "all documents to, from, or copying Ms. Bryan that have been produced to Ameritox," *id.* at ¶ 9, including roughly 3,200 documents produced in the prior Related Case during which Ms. Bryan was deposed twice. *Id.*

LEGAL STANDARD

Federal Rule of Civil Procedure 45 governs the quashing of subpoenas. A court is required to quash a subpoena where it subjects a person to undue burden. Fed. R. Civ. P. 45(d)(3)(A)(iv). Furthermore, a District Court may limit any discovery that is "unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; [or] the party seeking discovery has had ample opportunity to obtain the information . . . or . . . the burden or expense of the proposed discovery outweighs its likely benefit . . . ." Fed. R. Civ. P. 26(b)(2)(C).

When addressing a motion to quash a subpoena, the court must balance the interest served by demanding compliance with the subpoena against the interests furthered by quashing it. *Mirebeau of Geneva Lake LLC v. City of Lake Geneva,* No. 08–CV–693, 2009 WL 3347101, at *4 (E.D. Wis. Oct. 15, 2009) (citation omitted). That is, the court must compare "the hardship to the party [or person] against whom discovery is sought, if discovery is allowed, with the hardship to the party seeking discovery if discovery is denied." *Marrese v. American Academy of Orthopedic Surgeons,* 726 F.2d 1150, 1159 (7th Cir. 1984) (en banc).

"[T]he word 'non-party' serves as a constant reminder of the reasons for the limitations that characterize 'third-party' discovery." *Dart Indus. Co. v. Westwood Chem. Co.,* 649 F.2d 646, 649 (9th Cir. 1980) (citations omitted). Non-parties

deserve extra protection from the courts. *High Tech Medical Instrumentation, Inc. v. New Image Industries, Inc.,* 161 F.R.D. 86, 88 (N.D. Cal. 1995) (awarding sanctions against party who failed to avoid burden to non-party), *citing U.S. v. C.B.S.,* 666 F.2d 364, 371–72 (9th Cir. 1982); *In the Matter of Subpoenas To Wisconsin Energy Corporation*, No. 10-MC-7, 2010 WL 715429, at *1 (E.D.Wis. Fed. 24, 2010) (non-parties "are entitled to greater protection in the discovery process than parties in the litigation.").

In determining whether a subpoena poses an undue burden, courts "weigh the burden to the subpoenaed party against the value of the information to the serving party." *In re Subpoena of DJO, LLC*, 295 F.R.D. 494, 497 (S.D. Cal. 2014) (citation omitted). "[C]ourts have incorporated relevance as a factor when determining motions to quash a subpoena." *Moon v. SCP Pool Corp.,* 232 F.R.D. 633, 637 (C.D. Cal. 2005) (*citing Goodyear Tire & Rubber Co. v. Kirk's Tire & Auto Servicenter,* 211 F.R.D. 658, 662 (D. Kan. 2003)). *See also Dart Industries,* 649 F.2d at 649 ("While discovery is a valuable right and should not be unnecessarily restricted, the 'necessary' restriction may be broader when a nonparty is the target of discovery").

Depositions are considered unreasonably duplicative, and accordingly an undue burden, when the deposition will produce no new information that has not already been gleaned from previous depositions. *See, e.g., Ameristar Jet Charter, Inc. v. Signal Composites, Inc.,* 244 F.3d 189, 193 (1st Cir. 2001) (affirming the quashing deposition subpoenas where "[defendant] has not shown that the information sought from [the deponents] would be anything but cumulative or duplicative."). Further, there is ample authority in the Ninth Circuit for the proposition that a party is required to seek information from *parties* before burdening *non-parties*. *Moon,* 232 F.R.D. at 638 (quashing non-party subpoena when the "requests all pertain to defendant, who is a party, and, thus, plaintiffs can more easily and inexpensively obtain the documents from defendant, rather than

from the nonparty"); *Dibel v. Jenny Craig, Inc.*, Civil No. 06cv2533 BEN(AJB), 2007 WL 2220987, at *2 (S.D. Cal. Aug. 1, 2007) (granting motion to quash third party subpoena because request for documents were "duplicative and overly burdensome" when the requested documents were available from defendants); *Anderson v. Abercrombie & Fitch Stores, Inc.*, No. 06cv991-WQH (BLM), 2007 WL 1994059, at *1 (S.D. Cal. Jul. 2, 2007) ("District courts also have broad discretion to limit discovery. For example, a court may limit the scope of any discovery method if it determines that the discovery sought is 'unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive.'") (citing Fed. R. Civ. P. 26(b)(2)(C)).

ARGUMENT

I. MS. BRYAN'S PROPOSED TESTIMONY IS DUPLICATIVE OF HER PREVIOUS DEPOSITION TESTIMONY AND THAT OF OTHER DEPONENTS WHO ARE CURRENT MILLENNIUM EMPLOYEES

The testimony that Ameritox now seeks from Ms. Bryan is both duplicative of the testimony that she gave in her November 2011 Deposition, and of the testimony given by current Millennium employees. Consequently, Ameritox should be barred from obtaining her testimony. A district court must limit any discovery that is "unreasonably . . . *duplicative* . . . [or when] the party seeking discovery has had *ample opportunity* to obtain the information." Fed. R. Civ. P. 26(b)(2)(C) (emphases added). Here, Ameritox's further deposition of Ms. Bryan would be "duplicative," and Ameritox has had "ample opportunity," both in the Related Case and in the many years since this case was filed in 2011, to depose her. Ameritox seeks to take a *third* day of testimony from Ms. Bryan, and a second day since her departure from Millennium, to ask her again about the design and development of the RADAR Report.

As described in detail above, Ms. Bryan has already provided *50 pages* of deposition testimony on the development and roll-out of the RADAR Report. She testified as to when Millennium first developed the RADAR Report; how it was "beta-tested;" how it was changed; how the Graphed Results came into being; how it came to be that Millennium inserted a bell curve; how RADAR was marketed to doctors and how the messaging changed to reflect that it could not be used to predict patient adherence to their prescribed medication plan; what documents were provided to doctors to help them interpret changes in the format of a RADAR Report from one version to the next; the number of meetings, participants in meetings, and types of meetings (development and sales representative training) related to the June 2011 sample RADAR report; specific instances where the RADAR report was used by sales representatives to win an Ameritox account; and Millennium's apparent decision not to prepare associated written materials related to the new June 2011 RADAR report. *See* Gelhaar Decl., Exhibit G (Bryan Dep.) at 234-284, 287-291.[6]

In the face of this 50-page record, the undersigned counsel asked Ameritox's counsel for the reason why he wanted to depose Ms. Bryan for a third day. Gelhaar Decl. at ¶ 3. Ameritox's counsel represented that there were two reasons: (1) Millennium had produced "new" documentation in the instant case; and (2) Millennium had designated Ms. Bryan in an interrogatory answer as being "knowledgeable" of the Graphed Results of the RADAR Report. *Id.* In fact, neither reason justifies deposing Ms. Bryan again.

First, the reason based on the existence of allegedly "new" documents is clearly pretextual. After learning of this reason, undersigned counsel asked

[6] There can be no concern that Ms. Bryan's prior deposition testimony on the RADAR Report cannot be used in the instant patent infringement action, because the Docket reveals a Stipulation among the parties that allows such testimony to be used in the instant case. Dkt. No. 37 ("Stipulation and Agreed to Order Regarding Discovery").

Ameritox's counsel to identify the "new" documents so that undersigned counsel could thoughtfully consider whether a third day is in fact reasonable, or whether to seek relief. *Id.* at ¶¶ 3,5. At first, Ameritox's counsel refused to identify any such documents at all.[7] Thereafter, when pressed, Ameritox's counsel unloaded 4,000 documents on undersigned counsel, leaving the undersigned counsel to find the proverbial "needle(s) in the haystack." *Id.* at ¶ 9. Ameritox's counsel's unwillingness to identify any specific, allegedly "new" documents on which he bases his request to depose Ms. Bryan for a third day leads inescapably to the conclusion that this "reason" is utterly pretextual.

Ameritox's counsel's second reason for wanting to depose Ms. Bryan - - based on Millennium's designation of Ms. Bryan as being "knowledgeable" of the Graphed Results of the RADAR Report - - is equally specious. Early in the instant case, Ameritox propounded an interrogatory asking Millennium to designate "the five persons most knowledgeable regarding … the facts and circumstances surrounding the design and development of Millennium's Rapid Assessment of Drug Adherence Report (R.A.D.A.R.)…." *See* Gelhaar Decl., Exhibit H (Objections and Responses of Millennium Laboratories, Inc. to Ameritox, Ltd.'s First Set of Interrogatories) at 7-8. In January 2012, Millennium designated the

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[7] Ameritox's counsel relied in part on a Stipulated Protective Order for not disclosing any allegedly "new" documents for the undersigned counsel to consider, asserting that the Stipulated Protective Order prohibited him from doing so. Gelhaar Decl. at ¶ 6. However, the Stipulated Protective Order explicitly provides that deponents and their counsel may review documents designated as "confidential" in connection with the deposition process. The subject provision states as follows:

"Disclosure by the receiving party of any information and materials designated . . . under this Order is limited to . . . (v). . . any *indicated author or recipient of the information* designated as "CONFIDENTIAL" or "CONFIDENTIAL HEALTH INFORMATION"; (vi) persons testifying in depositions or court proceedings (including, without limitation, *persons preparing to testify in such depositions* or court proceedings) and their counsel to the extent the information designated as "CONFIDENTIAL" or "CONFIDENTIAL HEALTH INFORMATION" was authored by, addressed to, or received by the person testifying . . . .") (emphasis added). *See* Dkt. No. 109 ("Stipulated Protective Order") at ¶ 10.

following persons as "knowledgeable:" "Dr. Charles Mikel, Dr. Jennifer Strickland, Renee Bryan, and Kathy Egan City." *Id.* Notwithstanding this January 2012 designation, Ameritox did nothing to depose Ms. Bryan for almost *three years*. In contrast, however, Ameritox deposed current Millennium employee Dr. Charles Mikel, a Ph. D., on March 23, 2012. *See* Dkt. No. 23 ("Deposition of Charles Mikel, Ph.D. taken on March 23, 2012"). Ameritox thereafter deposed Mr. Mikel *again* recently on October 15, 2014. *See* Dkt. No. 157 ("Deposition of Charles Mikel taken on 10/15/14"). Counting Dr. Mikel's deposition that was taken in the Related Case on November 8, 2011 and has been filed on the docket for use in the instant case (Dkt. No. 120), Ameritox has already deposed the person "knowledgable" about the RADAR Report *three times*.

Moreover, Ameritox also subjected Dr. Strickland, another current Millennium employee and Ph. D., to *two* days of deposition testimony. She was deposed by Ameritox on July 8, 2011 in the Related Case and again recently on October 22, 2014. *See* Dkt. No. 119 ("Deposition of Jennifer Strickland taken on July 8, 2011") and Dkt. No. 158 ("Deposition of Jennifer Strickland taken on October 22, 2014"). Although the five total days of testimony of Dr. Mikel and Dr. Strickland are confidential and cannot be accessed from the docket, given the focused issues in this litigation, it is apparent that Ameritox has *exhaustively* covered the "facts and circumstances surrounding the design and development" of the RADAR Report with these two current Millennium/Ph.D. employees. *See DR Sys., Inc. v. Eastman Kodak Co.*, No. 09CV1625-H(BLM), 2009 WL 2982821, at *4 (S.D. Cal. Sept. 14, 2009) (quashing deposition subpoena where it would be cumulative of other discovery). [8]

[8] Dr. Mikel and Dr. Strickland are indeed both current Millennium employees. *See* Biography of Charles Mikel, "Millennium," *available at* http://www.millenniumresearch institute.org/team/charles-mikel; Biography of Jennifer Strickland, "Millennium," *available at* http://www.millennium researchinstitute.org/team/jennifer-strickland-pharmd-bcps.

And this is to say nothing of the fact that, at this stage of the proceedings, the case facts have been well-developed, as evidenced by the fact that Ameritox did not depose Ms. Bryan prior to opposing Millennium's motion for summary judgment in the instant case. *See* Gelhaar Decl., Exhibit B (Docket) at Dkt. No. 172.

Thus, neither the "new documents" reason, nor the "knowledgeable person" reason justifies the taking of Ms. Bryan's deposition. Ameritox already has received *encyclopedic* testimony from two current Millennium Ph.D. employees concerning the RADAR Report, in addition to the 50 pages of testimony on the RADAR Report already received from Ms. Bryan.

Under these circumstances, Ameritox cannot make the requisite showing that it cannot obtain from Millennium's current employees what it allegedly wants from the non-party Ms. Bryan. Consequently, Ms. Bryan's deposition subpoena should be quashed. *See, e.g.*, *Buckhorn, Inc. v. Orbis, Inc.*, No. 10–MC–71, 2010 WL 4941726, at *1 (E.D. Wis. Nov. 30, 2010) (granting motion to **quash subpoena** served on a non-party and former CEO of the accused infringer since the patentee failed to show why the sought-after discovery about failed acquisitions was relevant or that the information could not be obtained from current employees of the accused infringer; also noting potential deponent's subjective view of potential patent liability, or his knowledge about other agreements, would not be relevant to the questions of infringement); *Bank of America Corp. v. Centrify Corp.*, No. 3:11-MC-135-RJC-DCK, 2011 WL 5127741, at *2-3 (W.D.N.C. Oct. 28, 2011) (granting motion to **quash** deposition **subpoena** served on a nonparty corporate customer who purchased certain software from an accused infringer involved in a patent infringement action where the **subpoena** sought testimony as to the corporation's decision to purchase and use the software, the court finding that the party seeking discovery failed to show how the requested discovery was

"clearly relevant" to the infringement suit and why it could not obtain the requested information from the accused infringer).

II. SUBJECTNG MS. BRYAN TO A THIRD DAY OF DEPOSITION TESTIMONY WOULD BE A SEPARATE, UNDUE BURDEN ON HER THAT OUTWEIGHS ANY LITIGATION "BENEFIT" THAT AMERITOX MIGHT DERIVE AT THIS STAGE OF THE CASE.

The cumulative and duplicative nature of Ms. Bryan's further deposition is, alone, legally sufficient to quash Ameritox's subpoena. *Anderson,* 2007 WL 1994059, at *1. Yet Rule 45 provides an additional, independent basis to quash a subpoena by requiring that the subpoena be quashed if it "subjects a person to undue burden." *See* Fed. R. Civ. P. 45(d)(3)(A)(iv). Whether a subpoena subjects a non-party witness to undue burden generally raises a question of the subpoena's reasonableness, which "requires a court to balance the interests served by demanding compliance with the subpoena against the interests furthered by quashing it." 9A Charles Alan Wright & Arthur R. Miller, FEDERAL PRACTICE AND PROCEDURE § 2463 (2d ed. 1995). "[T]his balance of the subpoena's benefits and burdens calls upon the court to consider whether the information is necessary and unavailable from any other source." *Id.* Balancing Ameritox's alleged need for a third day of Ms. Bryan's deposition testimony against the burdens of a third day to her weighs demonstrably in favor of quashing the subpoena.

Ameritox cannot show any need for Ms. Bryan's testimony. Ameritox already deposed Ms. Bryan in November 2011 for 50-pages' worth of testimony on the case's key issues *after* the instant case was filed in July 2011. There is no basis for requiring Ms. Bryan, *three years later*, to testify regarding the same subject matter. Ms. Bryan's testimony in November 2011 was given proximate to the events that led to the instant litigation (occurring primarily in June 2011) and Ms. Bryan's memory of those events will not have become sharper with the passage of time. Further, Ameritox has already taken *five days* of deposition testimony from two current and "knowledgeable" Millennium employees on the key issues of the

case. There simply can be *no* argument here that Ms. Bryan is the sole repository of the information Ameritox seeks. Finally, Ameritox has shown by its decision not to depose Ms. Bryan before opposing Millennium's motion for summary judgment that it does not need Ms. Bryan's testimony to further develop the key facts of this case.

On Ms. Bryan's side of the scale, and as set forth in her Declaration, the burden on her to prepare and sit for a third day of deposition is extreme. Ms. Bryan is presently managing two enormous personal challenges. First, her father recently passed away and she is essentially managing the entirety of her widowed mother's financial affairs. Bryan Decl. at ¶ 9. To better care for her mother who resides, alone, in Florida, Ms. Bryan is actively searching for an apartment for her in the San Diego area. *Id.* at ¶ 10. Simultaneously, her brother who lives in Oregon was recently diagnosed with gastric cancer and is in chemotherapy. *Id.* at ¶ 12. Because she is the closest family member to her brother, Ms. Bryan is "on-call" should the need arise for her to travel to see him. *Id.* To say that Ms. Bryan will have difficulty focusing on the clearly duplicative litigation efforts of Ameritox is a gross understatement. And this is to say nothing of the fact that Ameritox proposes to ask Ms. Bryan about matters that occurred over three years *after* she separated from Millennium.

Even while she has had to address the foregoing significant personal challenges, Ms. Bryan has very recently secured a position as Chief Marketing Officer for Boost Academy, Inc., after nine months of unemployment. Boost, a San Diego-based start-up that provides math tutoring to children through a proprietary app, is expanding rapidly, and requires as much attention as Ms. Bryan can provide to help the company to survive and stay ahead of a dynamic market-shifting environment. Bryan Decl. at ¶ 12-13. Ms. Bryan routinely works 13 hours per day to help make Boost a success. *Id.* at ¶ 13. The time, effort, and distraction necessary for Ms. Bryan to prepare on her own for a third deposition,

prepare with undersigned counsel, sit for a third deposition, review her transcript, and potentially be available if Ameritox decides to simply "suspend" her deposition or if it receives "new" emails again, would place a grossly undue burden on her current employment. *See id.* at ¶ 14. Ms. Bryan supports herself, and jeopardizing the single source of income she now obtains after nine months of unemployment would be terribly unfair. *Id.*

Weighing Ameritox's claimed need for Ms. Bryan's third day of testimony against the enormous burden upon her, the court should exercise its discretion to quash the subpoena as untimely, cumulative, duplicative, and burdensome. *See Rankine v. Roller Bearing Co. of Am.*, No. 12CV2065-IEG BLM, 2013 WL 3992963, at *3 (S.D. Cal. Aug. 5, 2013) ("Where discovery is requested from non-parties, more stringent restrictions should be enforced."); *Amini Innovation Corp. v. McFerran Home Furnishings, Inc.*, 300 F.R.D. 406 (C.D. Cal. 2014) ("[C]oncern for the unwanted burden thrust upon non-parties is a factor entitled to special weight in evaluating the balance of competing needs" in a Rule 45 inquiry) (citation omitted).[9]

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[9] The Wisconsin Court's experience with Ameritox's overbroad and unreasonable discovery conduct is certainly not lost on Ms. Bryan. *See, e.g.*, Dkt. No. 179 ("Text Order" noting Ameritox's "palpable overreaching" with respect to discovery) (Gelhaar Decl., Ex. B).

CONCLUSION

For all of the foregoing reasons, Ms. Bryan respectfully requests that the Court quash the Subpoena served upon her in *Ameritox v. Millennium*, 3:13-cv-00832-WMC, currently pending in the United States District Court for the Western District of Wisconsin.

Dated: December 11, 2014

Respectfully submitted,

By: _____

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Ballard Spahr LLP

and

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Attorneys for Plaintiff Millennium Health, LLC

SEALED

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

AMERITOX, LTD. and MARSHFIELD CLINIC,

Plaintiffs,

v.

MILLENNIUM HEALTH, LLC,

Defendant.

Case No. 14CV2928 WQH WVG

[FILED UNDER SEAL]

DECLARATION OF RENEE T. BRYAN

Pending in the
United States District Court
Western District of Wisconsin
Case No. 3:13-cv-00832-WMC

I, RENEE T. BRYAN, on oath, do hereby declare and state as follows:

1. I am over the age of 18 years old and make this Declaration in support of my Motion To Quash Deposition Subpoena. I am not a party to the above-referenced patent infringement action. The facts set forth in this Declaration are based upon my personal knowledge. If called upon as a witness, I could and would testify to these facts.

2. I have been a resident of San Diego, California, for six years and have worked in the field of marketing for over 20 years. I have a Bachelor of Science in Marketing and Business Administration from the University of Richmond, and a Masters in Business Administration from Case Western Reserve University.

3. From March 2009 to July 20, 2011, I was employed by Millennium Laboratories, LLC ("Millennium") as Vice President of Marketing & Strategic Planning. During that time, I helped to grow the marketing and public relations aspects of the business. I am not a scientist nor do I hold a Ph.D.

4. Since separating from Millennium on July 20, 2011, I have had no role at Millennium. Moreover, I own no stock or any other financial interest in Millennium whatsoever.

5. I am generally familiar with the ongoing series of litigation between my former employer, Millennium and Ameritox, Ltd ("Ameritox").

6. On May 26, 2011, I sat for a full-day deposition in the matter of *Millennium Laboratories, Inc. v. Ameritox, Ltd.*, C.A. No. 10-cv-3327 (D. Md.).

7. On November 9, 2011, I sat for an additional deposition in the above matter. Counsel for Ameritox questioned me repeatedly about the design, development, and commercial launch of Millennium's RADAR Reports. I understand that these issues are the focus of the current patent infringement case in Wisconsin. I believe that I provided everything I knew about the RADAR Report in this prior deposition.

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8. I have not been employed at Millennium since July 2011, nearly 3.5 years since the June 2011 "launch" of the RADAR Report and my memory of the events in question are necessarily not as sharp as when I was deposed in November 2011. I have worked for three companies since my time at Millennium, and I think it is fair to say that I do not recall all but the most general information from my time at Millennium, and very little having to do with the RADAR Report.

9. In August 2014, my father passed away, which left my 79 year-old mother widowed, living by herself in Florida. My father took care of all of the finances for my mother, and consequently she does not understand how to handle financial matters. Since my father's passing, I have had to be in constant contact with estate attorneys, accountants, and financial advisors to help migrate pensions and trusts, facilitate tax preparation, modify Social Security distributions, and even obtain a new credit card for my mother. I have traveled to Florida from mid-August to early September to help her begin this process, and I estimate that I am in telephonic contact with her at least twice a week for more than an hour at a time, and I spend roughly five hours per week attending to the affairs I have outlined above.

10. My navigation of my mother's issues have been compounded by the fact that she is not technologically literate, and does not have the ability to scan documents. As she is in the midst of receiving a steady stream of financial and government communications regarding her life transition, it is difficult for her to convey the substance and materiality of what she is receiving so that I may make reasoned decisions for her. I am currently searching for an apartment for her to live in San Diego for several months per year so that I may better attend to her needs and manage her affairs.

11. My brother, who is unemployed and lives alone in Portland, Oregon, was recently diagnosed with gastric cancer and is in chemotherapy, fighting for his

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life. I am his closest family member and, thus, I am "on-call" should the need arise for me to travel to take care of him.

12. I am the head of a one-person household. I recently secured a position as Chief Marketing Officer for Boost Academy, Inc. ("Boost"), a start-up, after nine months of unemployment. Boost provides math tutoring to children through a proprietary app.

13. Boost is expanding rapidly, and requires my marketing skills and dedication to help the company (and my employment) survive and stay ahead of a dynamic market-shifting environment. Boost currently has only three full-time employees and has just gone "live" this past August. Because of my substantial start-up background, Boost requires my skill-set in many different facets of the company. For example, I am currently instrumental in raising a round of capital financing while commercializing the company's current services. I routinely work 13 hours per day each weekday for Boost, and work various hours on the weekend as well to help the company become successful.

14. The time and distraction necessary for me to prepare with my attorney for a third deposition, spend a day in the deposition, review my transcript, and potentially be available if Ameritox decides to recall me for whatever reason, would jeopardize my single source of income, be an undue burden on my employment, and further complicate my substantial familial obligations.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed this 11th day of December, 2014, in San Diego, California.

By: Renée T Bryan
Renee T. Bryan

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

14CV 2928 WQH WVG

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☒ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☒ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☒ 830 Patent KM
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☒ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

V. ORIGIN *(Place an "X" in One Box Only)*

☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☒ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*: Rule 45 D3

Brief description of cause: Rule 45 D-3 Quash subpoena

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Conely DOCKET NUMBER 3:13-CV-00833-WMC-W.D.W.I

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 68685 AMOUNT $400 APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

MR 12/11/14

Court Name: USDC California Southern
Division: 3
Receipt Number: CAS068685
Cashier ID: mbain
Transaction Date: 12/11/2014
Payer Name: SEALED V SEALED

CIVIL FILING FEE
For: SEALED V SEALED
Case/Party: D-CAS-3-14-CV-002928-001
Amount: $400.00

CHECK
Check/Money Order Num: 41921
Amt Tendered: $400.00

Total Due: $400.00
Total Tendered: $400.00
Change Amt: $0.00

There will be a fee of $53.00
charged for any returned check.